

Permit Number - ND2016-17442

State of North Dakota  
Temporary Water Permit  
SWC Project No. 1400A

In response to an application for a temporary water permit dated May 26, 2016 as received in this office May 31, 2016, authority is hereby granted to:

Dakota Access, LLC  
1300 Main Street  
Houston, TX 77002

Contact Person: Monica Howard

Telephone

**A Temporary Water Permit as follows:**

**Source:** Unnamed pond

**Point of Diversion:** SW1/4 NW1/4 Sec. 25 Twp. 156 Rng. 092

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 1,500,000.0 Gallons

**Maximum Withdrawal Rate:** 2,400.0 gpm

**Period of authorized usage:** Jul 25, 2016 through Feb 28, 2017

**Conditions**

This temporary water permit is granted subject to use from the source by senior appropriators. Permission for access to the source must be obtained from all affected landowners. Failure to comply with any order of the State Engineer may result in forfeiture of this permit. The granting of a temporary water permit does not create a water right. Temporary water permits are not transferrable. Temporary water permits cannot be modified.

The Total Quantity of Water listed above is equivalent to 4.6 acre-feet.

This temporary water permit is issued subject to water use from the source by senior appropriators.

Permit Holder must contact the North Dakota Department of Health at 701.325.5210 to complete and file NPDES Short Form C prior to discharging waters back into the waters of the state.

Failure to comply with any order of the State Engineer may result in forfeiture of this temporary water permit. This includes the withdrawal of water that is not authorized.

Dated: Jul 22, 2016

\_\_\_\_\_  
Garland Erbele, P.E.  
State Engineer  
ND State Water Commission  
900 East Boulevard  
Bismarck, ND 58505

\_\_\_\_\_  
Jon C. Patch, P.E.  
Director, Water Appropriation Division

cc: Mountrail WRD

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State of North Dakota  
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The amount of water withdrawn daily from this source under this temporary water permit must be provided to the State Engineers Office on a weekly basis from the date of issue through the termination date of this Temporary Water Permit. This includes all weeks that water is not withdrawn or weeks that the project is shut down for any reason. The weekly summary of the date and the amount of water withdrawn can either be faxed to 701.328.3696 or e-mailed to [dfarrell@nd.gov](mailto:dfarrell@nd.gov) once every week.


Holders of Temporary Water Permits with Hydrostatic Testing Use must complete the Annual Water Use Report for each calendar year that the Temporary Water Permit is authorized. Annual Water Use Reports for Temporary Water Permits are due in the State Engineer's Office within 30 days of the close of the calendar year or within 30 days of the close of the authorized period of the Temporary Water Permit. Failure to comply with any order of the State Engineer may result in the forfeiture of this permit.

A weatherproof copy of this Temporary Water Permit must be attached the equipment withdrawing water and must be available for inspection by representatives of the State Engineers Office or the State Water Commission.

This temporary water permit will be subject to the installation of real-time monitoring (telemetry) at the expense of the permit holder upon notification from the State Engineer.

Dated: Jul 22, 2016

cc: Mountrail WRD

  
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Garland Erbele, P.E.  
State Engineer  
ND State Water Commission  
900 East Boulevard  
Bismarck, ND 58505

  
\_\_\_\_\_  
Jon C. Patch, P.E.  
Director, Water Appropriation Division

OFFICE OF THE NORTH DAKOTA STATE ENGINEER  
RECOMMENDED DECISION

To: Todd Sando, P.E., State Engineer  
Approved by: Jon Patch, P.E., Director, Water Appropriations Division  
Reviewed by: William Schuh, Assistant Division Director  
From: Daniel J. Farrell, Hydrologist Manager – Surface Water  
Subject: Temporary water permit application: ND2016-17442  
Dakota Access, LLC  
Date: July 23, 2016

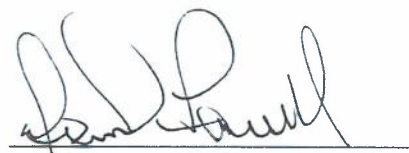
*AP 7/25/16*  
*W.S. 7/25/16*  
*DAN 7-23-16*

The State Engineers Office received an application for a temporary water permit from Dakota Access, LLC on May 26, 2016. This application requested the authorization to use 4.6 acre-feet of water at a maximum rate of withdrawal of 2,400 gallons per minute an un-named slough. The requested point of diversion (POD) listed on the application is at 15609225BC in Mountrail County. The requested period of withdrawal was 7/1/16 through 2/28/17. The nature of use for the proposed allocation was listed as “Hydrostatic Testing”, which is cataloged as “Construction-Hydrostatic Testing”.

A hydrologic review was completed as part of the review process for the temporary water permit application.

The hydrologic review of the proposed pumping from the POD on un-named slough in the Town of Stanley sub-watershed, Little Knife River watershed, and Lake Sakakawea sub-basin, will not adversely affect existing rights.

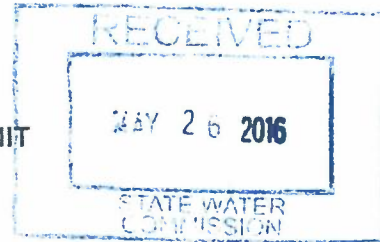
Therefore, the temporary water permit application submitted by Dakota Access, LLC to withdraw 4.6 acre-feet of water at a maximum rate of 2400 gpm from the above listed source for a timeframe beginning 7/25/16 and ending 2/28/17 is recommended for approval with the conditions attached to this permit.



Daniel J. Farrell  
Hydrologist Manager-Surface Water



**APPLICATION FOR A TEMPORARY WATER PERMIT**  
 NORTH DAKOTA STATE WATER COMMISSION  
 WATER APPROPRIATIONS  
 SFN 60158 (07/2014)



MAIL THE COMPLETED APPLICATION TO:

State Engineer • ND State Water Commission • State Office Building • 900 East Boulevard • Bismarck, ND 58505-0850  
 BY FAX - (701) 328-3696 • BY EMAIL - waterpermits@nd.gov

(SIGNATURE MUST BE PROVIDED)

NOTE: Use one application for each type of source (surface water or ground water). Use one application for each different surface water source. Complete all lines. If this application is not satisfactorily completed, it will be returned. If more space is necessary, attach additional sheets. Please type or print in ink. No map is required.

1845  
17442

Name of Applicant				Dakota Access, LLC			
Mailing Address				1300 Main Street			
City		State		Zip Code			
Houston		TX		77002			
Home Telephone Number				Work Telephone Number			
				713-989-7186			
Cell Phone Number				E-Mail			
713-898-8222				monica.howard@energytransfer.com			
Contact Person (if applicant is not an individual)				Contact Person Telephone Number			
Monica Howard							
Source of Water Supply (check one) <input checked="" type="checkbox"/> Surface Water Source <input type="checkbox"/> Ground Water Source							
Name of Source (if surface water):				County			
Unnamed Pond				Mountrail			
1/4 1/4 (if needed)		1/4		Section		Township	
SW1/4		NW		25		156N	
						Range 92W	
Purpose for Which Water Will be Used: Hydrostatic testing of new pipeline							
Total Quantity of Water Requested: (complete one)				Acre-Feet		Gallons	
						1,500,000	
						Barrels	
Unit Conversions: • 1 ac ft = 325,851 gallons • 1 ac ft = 7,758.3 barrels							
<input type="checkbox"/> <1 AF \$75		<input checked="" type="checkbox"/> 1-10 AF \$125		<input type="checkbox"/> >10 AF \$200			
Fee must accompany signed temporary water permit application.							
Withdrawal rate at which water is proposed to be diverted at the location listed above:				GPM			
				2,400 gallons/minute maximum			
Period of Usage: (up to 12 months)				From		Through	
				7/1/2016		2/28/2017	
Signature: <i>Monica Howard</i>						Date: 5/25/16	
Printed Name: Monica Howard							

Upon receipt of this form, the State Engineer will forward a written response to the applicant within approximately 30 days. If the application is approved, the granting of temporary water permit does not create a water right. If you have any questions, call (701) 328-2754.

48.35728  
102.45834

122.74 Ac

NO SW  
GW - SENTINEL BUTTE  
HOLD IN A BOX AWCE

**2016 Temporary Permit Annual Water Use Report**  
(Return all pages of this form even if no water was used)

**ND2016-17442**

Permit Number:ND2016-17442

Make Name and/or Address corrections below:

Dakota Access, LLC  
1300 Main Street

\_\_\_\_\_

Houston, TX 77002

\_\_\_\_\_

Phone:

\_\_\_\_\_

**Report the total in : Gallons or Barrels or Acre-Feet Please circle the units used ( gallons, barrels, acre-feet )**  
Report the total amount of water per month if applicable:

JANUARY	_____	JULY	_____
FEBRUARY	_____	AUGUST	_____
MARCH	_____	SEPTEMBER	_____
APRIL	_____	OCTOBER	_____
MAY	_____	NOVEMBER	_____
JUNE	_____	DECEMBER	_____

**TOTAL ANNUAL USE** \_\_\_\_\_

**I. INFORMATION ABOUT WELLS, PUMPS, OR POINTS OF DIVERSION**

Report the following information for the Point of Diversion SW1/4 NW1/4 Sec. 25 Twp. 156 Rng. 092

Water Source: Ground Water or Surface Water (Circle one)

Pumping Rate: \_\_\_\_\_ ( Circle: Barrels, Acre-Feet, Gallons ) PER ( Circle : Second, Minute, Hour, Day )

Total Water Use from this Point of Diversion : \_\_\_\_\_ ( Circle: Barrels, Acre-Feet, Gallons )

**WATER PERMIT CRITERIA:**

**Source:** Unnamed pond

**Nature of Use:** Hydrostatic testing

**Total Quantity of Water:** 4.60 Acre-Feet

**Maximum Withdrawal Rate:** 2,400.0 gpm

**Period of authorized useage:** Jul 25, 2016 through Feb 28, 2017

**II. MAKE ANY ADDITIONAL REMARKS BELOW:**

Note: 1 Acre-Foot = 325,851 gallons.

E-Mail: depotreporting@nd.gov

Please return to:  
North Dakota Office of the State Engineer  
State Office Building  
900 East Boulevard  
Bismarck, ND 58505  
Phone (701) 328-2754

Signature \_\_\_\_\_

Date : \_\_\_\_\_

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Signature \_\_\_\_\_

Date : \_\_\_\_\_